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HOUSE BILL 274

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING A SECTION OF THE NMSA  
1978 TO ALLOW SALES OF ALCOHOLIC BEVERAGES IN FOOD SERVICE  
FACILITIES IN STATE MUSEUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6A-10 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 27, as amended) is amended to read:

"60-6A-10. GOVERNMENTAL LICENSE. --

A. Except as provided in Subsection G of this  
section, a governmental entity may sell alcoholic beverages  
directly or through its lessee at a governmental facility if  
the governing body applies to the director for a governmental  
license. The governmental entity and its lessee shall be  
subject to all state laws and regulations governing dispensers.

B. A governmental license may be leased to a

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1 qualified lessee and may only be used by the lessee for ~~his~~  
2 its operation during events authorized by the governmental  
3 entity at the governmental facility designated on the  
4 governmental license. The governmental entity and its lessee  
5 shall not sell alcoholic beverages for consumption off the  
6 licensed premises.

7 C. ~~Each~~ A governmental entity holding a  
8 governmental license shall annually and not less than sixty  
9 days prior to the date for renewal of its license submit to the  
10 director documentary proof that its lessee is fully qualified  
11 to be a lessee of a governmental license. If the director  
12 finds that the lessee is qualified to lease a governmental  
13 license, the director shall renew the license for an additional  
14 period of one year. If the director determines that the proof  
15 is inadequate, he shall notify the governing body of his  
16 decision and shall conduct a hearing as provided by law. If  
17 the director finds that the lessee does not qualify and the  
18 governmental entity does not change its lessee, the director  
19 shall revoke the license.

20 D. The provisions of Section 60-6A-18 NMSA 1978  
21 shall not apply to governmental licenses.

22 E. For the purposes of this section:

23 (1) "governmental entity" means a  
24 municipality, a county, ~~or~~ a state fair ~~which~~ that is held  
25 for less than ten days per year, the ~~New Mexico~~ state fair

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1 commission, a state museum or a state university;

2 (2) "governmental facility" means locations on  
3 property owned or operated by a governmental entity, [~~and~~  
4 ~~includes~~] including county fairs; state fairs held for less  
5 than ten days per year; convention centers; airports; civic  
6 centers; food service facilities in state museums; auditoriums;  
7 all facilities on the New Mexico state fairgrounds; facilities  
8 used for athletic competitions; golf courses, including golf  
9 courses required to be used for municipal purposes  
10 notwithstanding that there may be an existing club license at  
11 the same location operated by the same club licensee; and other  
12 facilities used for cultural or artistic performances, but [~~the~~  
13 ~~term~~] "governmental facility" does not include tennis  
14 facilities; and

15 (3) "lessee" means an individual, corporation,  
16 partnership, firm or association [~~if it~~] that fulfills the  
17 requirements set forth in Subsections A through D of Section  
18 60-6B-2 NMSA 1978.

19 F. The provisions of Section 60-6B-10 NMSA 1978 as  
20 regards to golf courses owned by a governmental entity and  
21 civic centers owned and operated by a governmental entity shall  
22 not apply to governmental licenses.

23 G. A governmental entity that sells alcoholic  
24 beverages directly or indirectly through a lessee at a  
25 governmental facility that is a food service facility in a

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state museum or a golf course required to be used for municipal purposes may only sell beer and wine. "

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